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WILLIAM H LOGSDON
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 152191818

EXAMINER

LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

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Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL EXAMINER'S ANSWER

1. Pursuant to the Remand under 37 CFR 1.193(b)(1) by the Board of Patent Appeals and Interferences on May 10, 2004, a supplemental Examiner's Answer is set forth below:
2. Regarding the rejection under 35 U.S.C. 112, 2nd paragraph and specifically appellant's arguments bridging pages 6-7, where applicant acts as his or her own lexicographer to specifically define a term of a claim alternative to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "separate" in claim 1 is used by the claim to mean "unrelated to" while the accepted meaning is "detached, disconnected, or disjointed." The term is indefinite because the specification does not clearly redefine the term, and because "separate" and "connected" have opposite conventional and art-accepted meanings, it is difficult to ascertain exactly what is meant by "a rear weight separate from the frame and connected to the frame", and therefore the claims fail to comply with the above statute.
3. Regarding the rejection of claims 2-6 and 8-19 under 35 U.S.C. 103(a), appellant specifically argues that the limitations of claim 3, specifically that the internal combustion engine is mounted on fastening means located on the rear weight such that engine vibrations are transmitted directly to the rear weight and not the frame. In response, it is first noted that

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appellant's arguments are more specific than the claim language, which does not require that the vibrations not be transmitted to the frame. Wilkes, Jr. et al. inherently teaches fastening means as broadly claimed, in that the engine of the vehicle must be secured to the rear weight 12 so that it does not fall or otherwise become damaged. Regarding claims 6, 13, and 14, appellant argues that the references do not show a torque support that connects the engine with the rear weight, and more particularly that the torque support extends between and is connected to both the internal combustion engine and the rear weight. To the extent defined by the claims, and in light of the specification, torque rod 6 as shown by Wakana (see especially column 8, lines 30-33) is a "torque support" which serves to connect the engine to its support and limit the oscillation of the engine. Although appellant has not directly challenged the combination, it is noted that such a modification to include a torque support as shown by Wakana would have improved the vibration property of the engine and the vehicle as a whole.

Respectfully submitted,

AVRAHAM LERNER
PRIMARY EXAMINER*A. Lerner 7/21/04*

Avraham Lerner

July 21, 2004